



Draft, pending council approval

20 April 2019

Cindy Acab

Ministry of the Environment, Conservation and Parks

Resource Recovery Policy Branch

40 St. Clair Avenue West, 8th Floor

Toronto, Ontario M4V 1M2

**Re: Comments Regarding Reducing Litter and Waste in Our Communities:
Discussion Paper, EBR Registry Number: 013-4689**

The City of Ottawa (The City) is pleased to submit the following draft comments in response to the EBR posting regarding the Reducing Litter and Waste in Our Communities: Discussion Paper. The City fully supports the commitments of decreasing the amount of waste going to landfills and increasing the province's overall diversion rate.

The City faces many challenges related to litter and illegal dumping as litter pervades all aspects of our communities from our streets, to our parks, rivers, and waste water systems. Larger volumes of waste are being generated and its changing composition to lightweight plastics makes it easier to leak into our environment. Products and packaging such as cigarette butts, chewing gum, drink containers, snack wrappers, fast food packaging, and beverage cups are some of the most problematic litter types.

The City plays a key role in helping to address litter throughout our community by:

- Creating and maintaining infrastructure (e.g. collection bins in public spaces, equipment within wastewater facilities, street cleaners);
- Dedicating costly resources to collect litter;
- Planning and leading community clean-up days (Cleaning the Capital);
- Providing education and awareness campaigns on the issue;
- Enacting bylaws (e.g. fines, requirements related to collection bins); and,

- Ensuring compliance and enforcement (e.g. bylaw officers, Solid Waste Inspectors and public reporting through the City's 3-1-1 call centre).

In 2010, waste collection services at City of Ottawa facilities were aligned with those provided under the Municipal Solid Waste Services residential and multi-residential collection contracts. The focus was and remains to be on:

- Reducing the quantity of facilities in the commercial collection program by transitioning small to midsize facilities to the municipal curbside collection program. This results in cost savings as well as consistent and full access to blue/black box and green bin programs at these facilities and tenants are required to fully participate in the residential recycling programs under the provisions of the Solid Waste By-Law.
- Providing access to recycling in all eligible (as determined by volume of waste generated) facilities (over 500 facilities)
- Aligning and streamlining commercial waste collection (large-scale facilities) contracts to enhance efficiency in collection practices

Furthermore, the City leads a successful community litter action program, Cleaning the Capital. The program has been active since 1994, and there have been more than 20,000 cleanup projects since the program's inception. When the Province is considering its support for a day of action, it is important to consider waste diversion options for litter collection as many recyclables can be found in litter. Furthermore, it will be instrumental to ensure the day of action against litter aligns well with existing programs and initiatives operated by municipalities. We would also welcome the Province's support to create additional visibility to these efforts. For example, the Ministry could:

- Coordinate province-wide messaging and seek partnership opportunities with sponsors to help fund or support municipal clean-up efforts;
- Provide information about best practices in addressing litter;
- Provide greater recognition to community leaders; and,
- Collaborate or initiate voluntary actions across the Province especially related to problematic litter such as fast-food packaging, cigarette butts and chewing gum.

Managing litter in our community does have an impact on our municipal budget and ultimately the burden is born by municipal taxpayers. As such, staff support

the notion of the Province exploring options for producer responsibility in the area of collecting and diverting recyclables in parks and public spaces.

The City supports a strong provincial role in developing and implementing a comprehensive strategy to address litter in our community. We also support a stronger action plan for those who illegally dump waste or litter in neighborhoods and parks and suggest the Province consider strengthening litter and illegal dumping laws, especially related to roadside litter.

The City supports the Province's commitment to increase waste diversion in multi-unit residential buildings. This is a shared priority, and we recognize there are many challenges to increasing participation and diversion in this particular sector.

In Ottawa, residents living in multi-residential buildings only divert 17% of their waste, representing huge opportunities to increase diversion in this sector. The City recommends the Province consider the following initiatives:

- Review the Building Code to ensure multi-unit buildings are better designed to accommodate source separation for all diversion streams, especially organics, make participation in diversion streams as convenient as garbage, and include design requirements for the safe and efficient delivery of waste diversion programs and collection services;
- Provide information about best practices in addressing litter;
- Consider a standardized approach for multi-residential properties to increase diversion and participation in recycling programs;
- Provide funding opportunities for research, innovation and infrastructure upgrades, such as chute diverters, building expansions/upgrades to accommodate proper recycling infrastructure/storage, that may drive resource recovery in existing buildings that were built before recycling programs existed, as well as mixed waste processing to recover resources from the waste stream;
- Lead an Ontario-wide promotion and education campaign targeted at lagging areas such as multi-unit residential buildings. Require multi-unit residential owners to provide and post waste diversion information to residents;
- Place more emphasis on the role multi-unit residential building owners play in improving diversion in their facilities – it is not solely the responsibility of the municipal government;

- Standardize the materials collected across the Province as part of the move to full producer responsibility for paper, plastic and packaging; and,
- Expand the designation of recyclables not covered under current diversion programs to include common IC&I items such as power tools, appliances and carpets.

The City welcomes the Province's consideration of designating new materials that are currently not covered under any of the existing diversion programs. The City recommends when reviewing a harmonized list of materials accepted in the Blue Box Program across the Province, that they take in consideration:

- How these materials would be collected. Some materials may not be supported in the regular curbside collection system or other municipal supported programs.
- That this will cause impacts to municipalities whose technology cannot handle material that they may be regulated to take, potentially, resulting in more contamination.

The City supports the Province's intent on taking more action on waste reduction & diversion for the Institutional, Commercial & Institutional (IC&I) sectors given they represent 60% of Ontario's waste stream. Based on our experiences, we recommend the Province take a more concerted approach for the IC&I and C&D sectors, including setting appropriate targets, mandatory waste audits and enforcement. The current regulations have been largely ineffective in driving waste reduction and diversion efforts in areas which represent the greatest opportunities for immediate results. These sectors should be considered for early implementation. The City supports the recommendation of introducing requirements for the IC&I sector to track diversion rates and submit information to the Resource Productivity and Recovery Authority.

The City supports the transition of the Blue Box Program to full producer responsibility by making producers environmentally accountable and financially responsible for recovering resources and reducing waste associated with their products and packaging. Producers are best positioned to reduce waste, increase the resources that are recovered and reincorporated into a circular economy and enable a consistent province-wide system that makes recycling easier and more accessible. The City is a member of the Municipal 3Rs Collaborative and supports the approach to transition the Blue Box Program to full producer responsibility as

outlined in a letter from the Association of Municipalities Ontario President, Jamie McGarvey, to Minister Phillips on March 19, 2019. The City requires timeline and framework certainty as soon as possible in order to develop interim steps that will enable a smooth transition that is seamless and disruption-free for residents of Ottawa. The transition of this program should expand and enhance, not disrupt services to residents and should include a fully funded and extensive standardized outreach campaign. Furthermore, the City has assets and contractual concerns that must be considered and having advanced timeline and framework certainty will enable the City to best position itself and municipal taxpayers for the transition.

The City also supports the expansion of full producer responsibility to a number of items that the discussion paper references (e.g. small and large appliances, power tools, rechargeable batteries, fluorescent bulbs and tubes, carpets, mattresses, clothing and textiles, furniture and other bulky items). We also suggest the Ministry consider other products and packaging that are not captured in recycling or re-use programs but have inadvertently ended up in the landfill. This could include:

- Any product or package with an electrical current;
- Compostable products and packaging (understanding the challenges this has for the current municipal infrastructure – see section 2.6);
- Construction and demolition waste;
- Durable plastics such as children’s toys, play structures, outdoor patio furniture and like products; and,
- “Flushable” products.

Staff also recommend that the Province consider establishing a financial policy that directs a portion of the fines imposed on producers for missing targets to municipalities as the impact of missing a target will impact local waste management programs.

The City supports the concept of avoiding food waste, rescuing surplus food and standardizing the approach for the promotion and education of best practice(s) for meal planning and food storage. We support initiatives that would prevent food waste and agree with the Ministry’s recommendations to build a culture of food avoidance and support the safe donation and rescue of surplus food.

We recommend the Province consider developing and implementing a provincial food reduction campaign to drive awareness and behaviour change to reduce the amount of food waste generated. The campaign should be collaborative across

the entire supply chain (e.g. brand holders, retailers, various levels of government, consumers, and the waste management sector). It could be informed by similar collaborative initiatives like that of the “Love Food, Hate Waste” campaign in the UK. We also recommend that the Province engage with the federal government on food waste prevention and discuss labelling (e.g. best before dates, consistent public education campaigns etc.).

Staff recommend that the consideration of food and/or organics disposal restrictions/ban needs to take into account the geographic and population differences in Ontario. It should also take into account the work already taken by municipalities to fund infrastructure, collection and education programs to drive the majority of organics diversion in the province. The proposal to ban food waste from landfills must involve extensive consultations and be tailored to each community’s specific needs.

From a municipal waste service provision perspective, it is noted that organics management programs are significantly more-costly than other waste management services and in the absence of any provincial funding (or other external funding sources), municipalities are reliant on property taxes or user fees to support these initiatives. This remains a challenge and therefore, the Province should consider alternative sustainable funding mechanisms or incentive programs to help support these programs to ensure their longer-term success.

The discussion paper also identifies a proposal to ban food waste from landfills. The City agrees that the implementation of a ban is a potentially beneficial policy tool that, if implemented correctly, would help build sustainable end markets as a means to direct reuse or recycling and drive investment while at the same time preserve landfill capacity. Although the implementation of a ban would be at the direction of the MECP, considerations such as where a ban is applied (i.e. transfer station, landfill, curbside, etc.), length of time to implement (typically phased in over a number of years), how a ban is communicated/promoted and who/how a ban is enforced and funded still needs to be determined. Specifically, limited capacity to process organics in the province exists and will need to be addressed to allow sufficient time to accommodate such a significant shift in expected processing capacity requirements if a policy tool such as a landfill ban on organics be implemented. This also identifies the importance of why modernizing the approvals process is necessary. In any event, we are in agreement with the

Province's commitment to undertake further consultation in developing the ban with municipalities and other stakeholders.

The City supports seeking a stronger commitment from the federal and provincial governments on the development of a Canada-wide (or Provincial-wide) single-use plastics strategy and the development of national/provincial standards for recyclability to discourage the use of difficult-to-recycle plastics.

The Province should consider striving to 'build a culture of plastic waste avoidance' similar to food waste avoidance, with promotion and education efforts directed at changing the mindset of Ontarians.

The Province should consider developing guidelines for how companies can advertise materials as being recyclable in the province and consider working with the federal government to create national guidelines. Consumers may buy materials that are advertised as recyclable, with good intentions, but these materials may end up in landfills in different municipalities because they cannot be recycled. It is not enough to confirm that there are municipal or industry collection systems where the product is sold in order to make a claim of recyclable or compostable. There must also be facilities that are able to process the collected materials and reuse them as an input to another product that can be marketed and used.

The Province should also consider working with the federal government to target action, such as reduction strategies, bans, fees, or recycled content requirements, to reduce the use of disposable single-use products.

Whatever strategies and approaches are undertaken should consider that some municipalities, including the City, accept plastics in their organics program. Elimination of single use plastics may have impacts on participation rates in the City's program.

The City supports the Province working with industries to build consensus on how compostable products and packaging can be best managed to ensure they do not go to landfills, but rather are accepted in all organics-processing facilities. This may include funding to change technology to accept existing non-compostable products or modifying regulations.

The City supports the concept of extended producer responsibility and believes that producers of compostable products and packaging should be responsible to

meet the associated outcomes established under a Resource Recovery and Circular Economy Act regulation. Property taxpayers should not have to pay for a system when they have no influence over the types of materials entering the waste stream. Government policies should focus responsibility on those that can most effectively and efficiently drive change – that being producers.

Existing organic processing infrastructure, including the one the City contracts to process municipal organic waste, has been primarily designed for treatment of food waste, items like soiled paper products, and non-compostable products and packaging waste. Ensuring successful degradation of compostable products and packaging will require costly changes and upgrades to existing facilities. The impacts of the upgrades on beneficial end products such as biogas and compost are unknown and should be adequately tested and understood. These upgrades should not be funded by taxpayers.

Other initiatives we recommend that the Ministry work towards:

- Full producer responsibility for compostable products and packaging through development of take back programs for these products,
- A standard for compostability and stricter requirements related to advertising so property taxpayers are not burdened by companies making misleading claims,
- Consistency across product/packaging categories to avoid cross-contamination between recycling and organic processing streams and avoid consumer confusion,
- Assistance for current municipal organic processing facilities to change their processes and/or infrastructure to allow them to determine the feasibility of processing these products in existing systems or researching what types of facilities would be required for their management (e.g. research and innovation), and
- Requirements for future organic processing facilities in Ontario to consider in their planning process how and if they might process certified compostable products and packaging. The Province should not require facilities to process these materials as it will likely add processing costs and impact their end product.

The City supports exploring opportunities for innovative technologies that recover value from materials that otherwise would be landfilled, including chemical

recycling and thermal treatment. The City supports technologies that consider recovery as both an energy recovery and waste disposal option.

With respect to soil management, the City agrees that a clear set of rules and guidance for the management of excess soils is a benefit to everyone in Ontario. In this regard, the City provided comments on both the 2017 EBR and 2018 ERO Excess Soil Regulation and 2018 ERO Environmental Plan posting.

One of the guiding principles of the discussion paper is clear rules and strong enforcement, emphasizing reducing regulatory burden and maintaining competitiveness and growth for responsible businesses. The City strongly concurs with this philosophy. The comments submitted by the City on the 2017 and 2018 previously proposed excess soil regulations noted that if these regulations were implemented they would impose a significant administrative and financial burden on municipalities. This would remove funding from much needed infrastructure renewal activities and reduce competitiveness and growth resulting in a less sustainable City.

The City noted that although the stated intention of the previously proposed excess soil regulations was to encourage beneficial reuse and reduce the amount of soil being disposed in landfills, the net result would actually be the opposite. The previously proposed regulation would make landfill disposal the most sensible option from a financial and administrative perspective. It would also result in additional disposal of soils in landfills, a reduction of capacity for solid waste facilities, and, ultimately, a considerable cost increase to deliver infrastructure projects.

We expect that additional regulation related to excess soils will result in a significant increase to the amount of excess soil trucked in Ontario and generation of greenhouse gases. The Province should consider the detrimental impact on municipal roads imposed by the significant increase in haulage that will result from the adoption of additional rules and regulation. The effective management and beneficial reuse of soils from heavy construction is very important, but the added greenhouse gas emissions from all of the added truck activity should be assessed to evaluate the net benefit.

The City is supportive of setting clear rules to allow the industry to reduce construction costs, limit soil being sent to landfill and lower greenhouse gas emissions from trucking by supporting beneficial reuses of safe soils. While the

City agrees that soil should not be sent to landfill as waste material, it is important to note that landfills are required to use soil to cover waste. Excess soils from project sites are beneficially reused to meet the soil cover requirements of these sites. Waste disposal sites will be one of the few types of facilities that will be able to beneficially reuse excess soils in an environmentally sustainable manner, provided that the use falls within the waste disposal site's Environmental Compliance Approval (ECA).

The City is supportive of revising the brownfields regulation and the record of site condition guide to reduce barriers to redevelop and revitalize historically contaminated lands, putting vacant prime land back to good use, as long as the soil generators site is appropriately characterized to identify whether or not hazardous soils are present.

The role of the Ministry in the enforcement and the oversight in any future regulation has not been made clear, but the City strongly believes this is a Ministry obligation and should not be downloaded to municipalities through Site Alteration By-laws or the use of similar instruments.

Ontario is a large and diverse province from a soil management perspective. What works in one area may be harmful in another. The City suggests the following may better serve the Province:

- clear guidelines and rules,
- a return to the 2014 Best Management practices, and
- simplified ECA approvals related to:
 - soil storage (both temporary and longer term),
 - soil treatment and
 - disposal.

The City supports making changes to the approval process to modernize and expedite processes where possible. However, it is important to emphasize that this is not about making it easier to get approvals. Waste management facilities do pose potential environmental risks so ensuring proper due diligence should not be compromised in expediting approval processes.

With respect to the Province recommending that municipal governments and the communities they serve will have a say in landfill siting approvals. The City strongly supports this local say and look forward to further discussions with the

Province on the mechanisms that can be implemented to provide this, above and beyond what is currently provided through the Environmental Assessment process.

The transition of the Blue Box program to full producer responsibility through a regulation under the RRCEA is the biggest priority for the City of Ottawa. Having the producers who design products and packaging responsible for the end of life management of these materials will increase the economic utility of these resources and result in innovative collection, processing and marketing strategies to increase the amount of this material diverted from landfill.

Additionally, the City encourages the Province to consider the opportunity to increase gas capture and collection from landfills, with a particular focus on technologies that displace the burning of GHG-intensive fuels, such as natural gas.

The City of Ottawa thanks the Ministry for the opportunity to comment on the “Reducing Litter and Waste in our Communities” discussion paper.

For further information on the City’s comments, please contact Marilyn Journeaux, Director, Solid Waste Services at 613.580.2424 x 21528 or Marilyn.Journeaux@ottawa.ca.

Sincerely,

Original signed by

Kevin Wylie

General Manager, City of Ottawa

Public Works and Environmental Service Department